REMARKS

Amendments

Claim 7 is amended to recite that the enclosure is formed around one or more parts of a low-temperature air separation system, and then filled with thermal insulation material. See, e.g., page 1, line 16 – page 2, line 4. Claim 10 is amended to delete "or segment." This aspect is now recited in new claim 25 which depends from claim 9, and thus has antecedent basis for "segment."

New claims 17-24 are directed to further aspects of the invention, and are supported throughout the disclosure. See, e.g., page 2, lines 11-18, page 3, lines 7-9, page 3, line 19 – page 4, line 3, page 5, lines 16-20, page 7, line 19 – page 8, line 1, page 8, lines 12-15, and the original claims.

Rejection under 35 USC 103 in view of McGrath et al. and GB 860,918

Claims 2-14 are rejected as allegedly being obvious in view of McGrath et al. (US 5,875,599) and GB 860,918. This rejection is respectfully traversed.

McGrath et al. disclose a modular thermal insulation vacuum panel for use in the construction of "walls, ceilings and other structures." The modular panel comprises a thermal insulation vacuum panel and a framing structure secured to at least part of the periphery of the panel. The outer edge portion of the framing structure is provided with a profile. See column 2, lines 5-20.

The framing structure can be formed from foamed polymeric material (such as a polyurethane, polystyrene or phenolic material) that may contain reinforcement materials, such as glass fibers, or a molded non-foamed polymeric material. Alternatively, the framing structure can be formed from "a fiberglass reinforced plastic such as a polyester-based sheet molding compound (SMC), a rigid unreinforced polymeric material such as high density polyethylene, a coated metal, wood, etc." See column 2, lines 27-30 and column 4, line 63 – column 5, line 1.

As described by McGrath et al., the insulation panels can be used for constructing insulated ceilings or walls and can be used "in the construction of refrigerated shipping

containers or walk-in coolers or refrigerators," or for converting part of a van into a cooler or a refrigerator. See column 5, line 66 – column 6, line10.

GB '918 discloses a container or enclosure for housing a high or low temperature installation. The enclosure comprises a frame, made of framing members connected to one another, to which plates are attached. See, e.g., Figures 2 and 5. The formed frame is said to be a rigid entity independent of the plates. See page 1, lines 67-71.

It is evident that the McGrath et al. disclosure is directed to smaller structures, such as walk-in coolers or refrigerators, as opposed to an enclosure for housing a high or low temperature installation. Such smaller structures will exhibit much higher temperatures, for example more than 250 K, in comparison for example to a cryogenic air separation unit (e.g., operating at around 100 K). Similarly, the polymeric materials of construction suggested by McGrath et al. for the framing structure do not suggest use of the insulation panels for the construction of an enclosure for a low temperature installation as contemplated by GB '918. Furthermore, in the insulation panels of McGrath et al. the insulating effect is achieved by the provision of a vacuum space in the panel. McGrath et al. provide no suggestion of filing the resultant enclosure formed from the panels with insulation material. To do so would render the walk-in cooler or refrigerator useless.

In view of the above remarks, it is respectfully submitted that one skilled in the art would not look to the disclosure of GB '918 for modifying the system disclosed by McGrath et al. Furthermore, one skilled in the art would not look to the structure disclosed by McGrath et al. for constructing an enclosure for a low temperature air separation plant. Additionally, the combination of McGrath et al. and GB '918 does not suggest a process in accordance with applicants' claimed invention wherein an enclosure is formed around one or more parts of a low-temperature air separation system, and then filled with thermal insulation material.

In view of the above remarks, it is respectfully submitted that the disclosure of McGrath et al., taken alone or in combination with the disclosure of GB '918, fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of McGrath et al. and Voegeli et al.

Claims 1-5, 7-10, and 12 are rejected as allegedly being obvious in view of McGrath

et al. (US 5,875,599) in combination with Voegeli et al. (US 4,739,597). This rejection is respectfully traversed.

The disclosure of McGrath et al. is discussed above. McGrath et al. do not disclose or suggest a process for construction of an enclosure comprising forming several panels, each of which comprises a frame and a sheet metal lining, then connecting the panels to one another to form an enclosure around one or more parts of a low-temperature air separation system, and then filling the enclosure with thermal insulation material.

The disclosure of Voegeli et al. is also unrelated to containment enclosures for cryogenic units. The disclosure of Voegeli et al. pertains to an enclosure that can be easily assembled and disassembled and is suitable as a facility for painting and drying automobiles. See column 1, lines 29-44.

Thus, the disclosure of Voegeli et al. concerns buildings that can be moved or transported. A cryogenic plant is normally not transportable. Buildings such as the type disclosed by Voegeli et al. do not face the demands that an enclosure for a cryogenic air separation plant has, e.g., to contain fine pulverized insulation material (such as perlite), to be gas tight, and to resist cryogenic temperatures. Thus, one skilled in the art of cryogenic installations would not look to disclosures such as that of Voegeli et al. for purposes of constructing an enclosure for a cryogenic air separation plant.

As described at column 1, lines 42-64, the enclosure of Voegeli et al. has a pair of frames that are spaced apart in a longitudinal direction. Each frame includes a pair of upstanding portions and a connecting portion. The latter connects the upper ends of the upstanding portions. Each frame includes a receiver means, for example, in the form of channels. A plurality of wall panels is positioned longitudinally between the frames along the upright and connecting portions. Each wall panel has a first longitudinal end that mates with the channel of one frame and an opposite second longitudinal end that mates with the channel of the other frame.

However, Voegeli et al. do not disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does the Voegeli et al. disclosure suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another.

It is respectfully submitted that one of ordinary skill in the art would not look to the enclosure of Voegeli et al. to modify a system such as described by McGrath et al. Voegeli et al. provides no suggestion as to how one should construct a walk-in cooler or refrigerator, which is the concern of the McGrath et al. disclosure. Furthermore, the combination of the Voegeli et al. and McGrath et al. disclosures provides no suggestion of applicants' claimed process.

In view of the above remarks, it is respectfully submitted that McGrath et al., taken alone or in combination with the disclosure of Voegeli et al., fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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